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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 LESLIE JONES,

11 Plaintiff,

Case No. 2:04-cv-01933 ALA (P)

12 vs.

13 LIEUTENANT E. SANDY, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff Leslie Jones (“Petitioner”) is proceeding *pro se* and *in forma pauperis* in this
17 civil rights action pursuant to 42 U.S.C. § 1983. Before the Court is Petitioner’s request to
18 supplement his exhibit list. (Doc. 139.) For the reasons set forth below, the request will be
19 denied.

20 On October 3, 2008, the Court issued its pretrial order. (Doc. 130.) In the pretrial order,
21 the Court stated that an exhibit not already listed by a party could not be introduced at trial
22 unless: (1) the exhibit could not reasonably have been discovered earlier; (2) the Court and the
23 opposing party were promptly informed of the exhibit’s existence; and (3) the proffering party
24 forwarded a copy of the exhibit to the opposing party. (Doc. 130 at 8-9.)

25 Petitioner now requests the Court allow him to supplement his exhibit list by adding: “(3)
26 documents and (2) pill bags.” (See Doc. 130 at 2.) Petitioner fails to, as an initial matter,

1 sufficiently identify the exhibits he seeks to add to his exhibit list. Moreover, Petitioner fails to
2 demonstrate that the exhibits could not have been discovered earlier and Petitioner failed to
3 promptly inform the Court of the existence of these exhibits notwithstanding the purported delay
4 in receiving them. Having failed to satisfy the requirements outlined above, Petitioner's request
5 is denied.

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7 DATED: November 26, 2008

8 /s/ Arthur L. Alarcón
9 UNITED STATES CIRCUIT JUDGE
10 Sitting by Designation
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